United Nations CAC/COSP/2017/L.1/Add.1

Conference of the States Parties to the United Nations Convention against Corruption

Distr.: Limited
7 November 2017

Original: English

Seventh session
Vienna, 6–10 November 2017

Draft report

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Addendum

II. Organization of the session

F. General discussion

1. At the 1st to 4th meetings, on 6 and 7 November 2017, the Conference of the States Parties considered agenda item 1 (f), entitled "General discussion". The President of the Conference and Mr. Zafar, in his capacity as Vice-President of the Conference, co-chaired the discussion.

2. Speakers stressed the transnational nature of corruption and its devastating effects on political, economic and social development, as well as on democratic governance, the rule of law, human rights, equality (including gender equality) and security. Speakers noted that corruption impeded sustainable development, drained necessary resources from public services, increased political instability, undermined democratic institutions, contributed to conflict, facilitated environmental damage and impeded the ability of States to deliver public services and to address climate change and poverty. Speakers emphasized the linkages between corruption and organized crime, terrorism and other serious criminal activity.

3. Speakers welcomed the States parties that had recently ratified or acceded to the Convention, emphasizing that the Convention remained the comprehensive global legal framework for the prevention and fight against corruption. They considered the Conference and its subsidiary bodies as important forums for exchanging experiences and good practices, strengthening their shared commitment and reaching consensual decisions for the future. Several speakers referred to the 2030 Agenda for Sustainable Development, especially Sustainable Development Goal 16, which provided a welcome impetus in the fight against corruption by linking anti-corruption efforts with the broader, cross-cutting objectives of sustainable development.

4. Speakers also referred to a number of other international and regional documents and bodies. The Doha Declaration on Integrating Crime Prevention and Criminal Justice into the Wider United Nations Agenda to Address Social and Economic Challenges and to Promote the Rule of Law at the National and International Levels, and Public Participation, was identified as an important milestone for strengthening the rule of law, justice and equality, as well as for countering corruption. Speakers referred to the Arab Anti-Corruption Convention and

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the Inter-American Convention against Corruption as regional instruments to prevent and combat corruption. General Assembly resolution 71/208, entitled "Preventing and combating corrupt practices and the transfer of proceeds of corruption, facilitating asset recovery and returning such assets to legitimate owners, in particular to countries of origin, in accordance with the United Nations Convention against Corruption", was also highlighted. The Anti-Corruption Network of the Organization for Economic Cooperation and Development (OECD), the Group of States against Corruption and the International Anti-Corruption Academy (IACA) were also noted.

5. A number of speakers reported on positive outcomes from undergoing and participating in country reviews. Some speakers reported on the establishment of bodies or committees to further the implementation of the Convention as part of the follow-up to the review process, including in some cases the participation of civil society and the strengthening of existing institutions such as anti-corruption agencies, supreme audit institutions and the office of the ombudsman. Speakers called for measures to ensure stable, reliable sources of funding for the operation of the Implementation Review Mechanism.

6. Many speakers reported on the positive reforms that their countries had implemented as a result of recommendations emerging from the first review cycle, including the adoption or amendment of relevant criminal legislation, efforts to strengthen the rule of law, the establishment of specialized anti-corruption courts, the strengthening of witness and whistle-blower protection programmes and the adoption of measures to facilitate access to justice and increase transparency in the criminal justice sector. States noted the adoption of enhanced penalties for corruption crimes, including increased sentences of incarceration and the lengthening of statutes of limitations and the disqualification of offenders from holding future public office. One speaker referred to the inclusion of specific anti-corruption clauses in the awarding and implementation of public contracts. Another speaker reported measures to strengthen the capacity of national institutions to gather relevant statistics and produce reports on the effectiveness of anti-corruption measures.

7. Many speakers welcomed the launch of the second cycle of the Implementation Review Mechanism and reported activities and proactive measures to support the self-assessment process in advance of the review, including efforts to identify challenges and gaps. Some speakers referred to specific measures taken prior to the second cycle to prevent and detect money-laundering and financing of terrorism, increase transparency of beneficial ownership and strengthen regulation of financial institutions and the elimination of tax havens and facilitation payments. Speakers emphasized that the Mechanism was a useful, transparent process that was both inclusive and impartial.

8. Speakers described the work of national bodies, committees and specialized agencies to develop, launch and implement national policies and strategies aimed at strengthening integrity and countering corruption. Speakers stressed that in many cases such policies and strategies were grounded in national sustainable development strategies and national visions adopted in the context of the 2030 Agenda for Sustainable Development. Speakers described the inclusion in such strategies of recommendations from the first review cycle as well as priorities and challenges identified through national consultation processes involving stakeholders from the public and private sectors and civil society.

9. Many speakers highlighted that their Governments required technical assistance in order to be able to effectively implement the Convention. Country-led, integrated and coordinated approaches to technical assistance, based on the sharing of information and international good practices, were also welcomed. Many speakers noted with appreciation the tools developed and the assistance provided by UNODC, the Stolen Asset Recovery (StAR) Initiative, the United Nations Development Programme (UNDP) and the United Nations Pacific Regional Anti-Corruption Project and called upon UNODC to continue to support such efforts. Speakers highlighted the need for technical assistance in relation to legislative reform, capacity-building,

conducting financial investigations, establishing and strengthening systems on declarations of assets and interests, asset recovery and the management of seized assets. Speakers also underlined the importance of technical assistance to support the implementation of the Convention in small island developing States.

10. Speakers concurred that all sectors of society had to work together for the fight against corruption to be successful. A number of speakers commended the participation of non-governmental organizations in preventing and combating corruption. Several speakers acknowledged the importance of involving different elements of societies and highlighted the role of youth, academia, parliamentarians, religious groups and the media in preventing and raising awareness of corruption. In that context, several speakers reported on legislative reforms to facilitate the participation of civil society in the fight against corruption.

11. Some speakers noted the collaboration of their Governments with the private sector, including in the form of public-private partnerships, while others specifically referred to the need to protect entrepreneurs from extortion, fraud and corruption. Speakers underlined the important role of the private sector in the prevention of corruption and described measures that States had taken in that regard, including through the development and distribution of guides for private sector companies operating at the national and international levels to promote and strengthen corporate responsibility. Speakers also reported on measures to strengthen fair competition and increase transparency in public procurement processes. The need to fight corruption in the defence industry, the health sector and in sport was also stressed.

12. A number of speakers referred to the measures undertaken in their countries to prevent corruption, including adopting and implementing comprehensive national anti-corruption strategies and plans, and the establishment and strengthening of anti-corruption bodies. The development of codes of conduct and integrity, including at the national and institutional levels, was also reported, as was the adoption of leadership codes. Speakers described the establishment of the posts of ethics and integrity officers in the public sector. The responsibilities of such officers could include applying ethics compliance tools or overseeing a gift registry. Speakers noted the role of accountability mechanisms in ensuring that such codes and standards were followed, particularly in criminal justice institutions such as the police, the prosecution and the judiciary. In that regard, reference was made to the efforts of UNODC to establish the Global Judicial Integrity Network.

13. Some speakers noted measures taken to implement asset-disclosure systems, prevent corruption and conflicts of interest in public procurement and increase transparency and accountability in the management of public finances. The training of officials through specialized institutions and courses was also underlined as a key activity to enhance prevention efforts. In addition, education at all levels on corruption and ethics was highlighted by several speakers as critical to instilling the values of integrity, honesty and accountability in children and youth, with a view to supporting the building of a culture of lawfulness and the prevention of corruption. Speakers highlighted efforts by UNODC to develop and introduce anti-corruption curricula at the university level.

14. Speakers noted the importance of establishing mechanisms, in particular hotlines and online portals, for reporting instances of corruption. Measures and campaigns to increase public awareness of the negative impacts of corruption on society were described, and the importance of holding offenders accountable was emphasized. One speaker noted the establishment of a platform to facilitate dialogue between government institutions and the general public on preventing and countering corruption. Another speaker referred to the right of corruption victims to lodge civil reparation claims as a part of criminal proceedings. Speakers also referred to mechanisms for reporting corruption by public officials or by those working in the financial service and banking sectors. Several speakers described mechanisms for ensuring the protection of whistle-blowers and reporting persons.

15. Several speakers called for the development and implementation of comprehensive corruption risk assessments for public and private sector institutions. Some speakers emphasized the need to identify methodologies and analytical tools for the measurement of both corruption and the progress made in addressing it. Other speakers reported sector-specific approaches to the identification and management of risks of corruption. One speaker called for the development and adoption of objective, international transparency indicators that were not based on public perceptions but on analytical data and evidence.

16. Speakers highlighted the importance of involving local governmental institutions in the prevention of corruption, and some speakers described the development of toolkits for use by national and local government bodies to complement anti-corruption efforts taking place at the national level. Some speakers noted the important roles of coordination and cooperation among stakeholders in establishing common and effective approaches to the prevention of corruption, including through the convening of public councils to share views and insights between the general public and government institutions. One speaker noted the creation of an alliance for transparency, comprising representatives from the public sector and civil society. Speakers described measures to strengthen the effectiveness and efficiency of public service delivery through public administration reform, open government initiatives, e-government, access to public information and one-stop shops easily accessible to the public.

17. Ending impunity was considered to be one of the most important aims of the fight against corruption. Some speakers reported on the establishment of specialized anti-corruption investigation authorities, including financial investigation units, auditor offices and general inspectorates, as well as anti-corruption courts and adjudicative bodies. One speaker referred to the establishment of special courts to resolve disputes involving foreign investment groups. Speakers noted the need to strengthen the capacity of investigative and law enforcement bodies, as well as public prosecution, in order to better investigate and prosecute corruption cases, and noted also the importance of ensuring the integrity and independence of the judiciary. Some speakers noted the role of specialized anti-corruption bodies with jurisdiction to conduct corruption investigations. One speaker described a national law that subjected serious corruption crimes to universal jurisdiction. Another speaker stressed the need to tackle large-scale corruption, which permeated the highest level of decision-making.

18. Some speakers shared experiences of successful asset recovery and extradition cases, as well as challenges in the identification, seizure and return of stolen assets. The assistance provided in specific cases through the StAR Initiative and by INTERPOL was noted. Speakers noted the lengthy and burdensome extradition process, and called upon States to assist in facilitating and simplifying mutual legal assistance and extradition, including by using as a legal basis the provisions of chapter IV of the Convention. One speaker called for the adoption of a model agreement on mutual legal assistance to facilitate asset recovery. Another speaker called for the development of an international instrument on asset recovery and possibly mutual legal assistance. Other speakers reported on measures to facilitate and strengthen the confiscation, forfeiture and return of proceeds of crime and corruption. Speakers underlined the importance of the identification and interdiction of illicit financial flows across international borders, and one speaker called for the establishment of an international mechanism to facilitate the sharing and reporting of information in that regard.

19. Many speakers referred to the importance of sharing experiences, information and good practices, including through regional organizations, initiatives and networks and of multi-stakeholder approaches. Regional bodies or forums were identified as playing an important role in building consensus and fostering strong political will in the fight against corruption. One speaker noted the upcoming Summit of the Americas, to be held in Lima in April 2018, and would have as its central theme the eradication of corruption. One speaker highlighted the exchange of information and

criminal intelligence through the Association of Pacific Island Financial Intelligence Units. Speakers also noted the importance of bilateral and regional agreements and memorandums of understanding to facilitate transnational criminal investigations and the sharing of good practices. Numerous speakers highlighted the need to promote cooperation and the sharing of experiences or knowledge at the bilateral and international levels.

20. A representative of the Sovereign Order of Malta emphasized that the implementation of the Convention was a means to achieve the Sustainable Development Goals that addressed organized crime and combating terrorism. A representative of the secretariat of the Convention on International Trade in Endangered Species of Wild Fauna and Flora underlined that corruption facilitated wildlife crime and trafficking and also underlined the importance of joint and concerted efforts to prevent and fight such corruption. The representative of UNDP emphasized the partnership of UNDP and UNODC to assist States parties in the implementation of the Convention and described national and regional anti-corruption initiatives. A representative of IACA described the work of the Academy and its ongoing activities and programmes. The representative of the International Institute for Democracy and Electoral Assistance stressed that corruption undermined democratic political processes and institutions and emphasized the need to increase transparency and accountability in the funding of political parties. A representative of the Global Organization of Parliamentarians against Corruption discussed how partnerships between parliamentarians and other stakeholders could support the fight against corruption. A representative of Transparency International described the important role that civil society played in the prevention of and fight against corruption. The Chair of the Coalition of the Civil Society Friends of the United Nations Convention against Corruption (the UNCAC Coalition) underlined the importance of civil society participation in anti-corruption meetings and initiatives at both the national and international levels. The representative of the World Customs Organization (WCO) described the Organization's activities, instruments and tools to promote integrity and accountability in the customs sector. A representative from the Libyan Transparency Association described activities at the national level to promote integrity, transparency and accountability and to counter corruption.